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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,709	01/24/2006	Saied Abedi	FUJL 22.280 (100794-01012)	2992
26304 7590 07/23/2010 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER				
ZEWDU, MELESS NMN				
ART UNIT		PAPER NUMBER		
2617				
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07/23/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

#### ***Response to Amendment***

1. This action in response to the communication filed on 7/19/10.
2. This action is an advisory.
3. Claim 33 had previously cancelled.
4. Claims 1-32 and 34-35 are pending in this action.
5. This is a courtesy response to argument/s filed in this after- final remarks.

#### ***Response to Arguments***

Applicant's arguments filed on 7/19/10 have been fully considered but they are not persuasive. Applicant's argument/s and corresponding examiner's response/s are presented below.

**Argument:** with regard to claims 1, 2, 4-5, 8, 16, 19 and 26-28, particularly with regard to claim 1, applicant argues by saying --- Thus, Parvall et al., as cited and relied upon by the Examiner--and correspondingly, the proposed combination of references--fail to suggest scheduling transmissions from one user equipment to a base station in dependence on a measure of a quality of service from the base station to another user equipment--namely, the claimed features in connection with "scheduling uplink transmissions from the source user equipments to the base station in

dependence on the measure of the downlink quality of service (from the base station to a destination user equipment)."

In other words, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine AAPA and Parkvall et al. at the time the claimed invention was made, such a combination would still have failed to disclose or suggest,

"[a] method of transmitting data packets in an uplink from a plurality of source user equipments to a base station, the data packets being for onward transmission to a plurality of destination user equipments, the method comprising:

determining a measure of a downlink quality of service  
from the base station to a destination user equipment; and  
scheduling uplink transmissions from the source user  
equipments to the base station in dependence on the measure  
of the downlink quality of service." as recited in claim 1. (Emphasis added).

**Response:** examiner respectfully disagrees with the argument. In that, the APA , as described in the body of the rejection of claim 1 and as can be seen in the admitted prior art itself (see page 1, lines 10-30 and page 2, lines 15-28) provides a base station that intermediates/coordinates communication between a plurality of source user equipments and a plurality of destination user equipments. And the Parkvall et al. reference teaches about a transmitting node (in this case a base station) that detects data to be sent downlink (or uplink). the transmitting node determines the quality of the uplink channel (or downlink channel). The transmitting node then schedules the

data transmission over the downlink channel (or the uplink channel) when the quality of the uplink channel (or the downlink channel) is sufficient (see paragraphs 0050 and 0025). The two references are perfectly combinable since they are within the same field of endeavor. And when combined as discussed in the rejection of claim 1 above, the base station (the transmitting node) can determine the downlink quality of a serving channel and can schedule the uplink. Thus, a base station (a transmitting node) with such capability can schedule uplink/downlink transmission based on a downlink/uplink channel quality. That means, when the two references are combined, said base station/transmitting node/ can schedule uplink/downlink transmission based on a downlink/uplink channel quality with respect to the source and destination US provided by the APA. Therefore, examiner did not find the argument persuasive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chang Kent can be reached on (571) 272-7667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Meless N Zewdu/  
Primary Examiner, Art Unit 2617  
7/22/2010